



## 2005 SENATE BILL 246

June 21, 2005 – Introduced by Senators LEIBHAM and ROESSLER, cosponsored by Representatives AINSWORTH, KERKMAN, LOTHIAN, OWENS, LEMAHIEU, OTT and TOWNSEND. Referred to Committee on Natural Resources and Transportation.

- 1 **AN ACT to amend** 814.63 (1) (c) and 814.63 (2) of the statutes; **relating to:**  
2 imposing court costs in cases involving motor vehicle seat belt violations.

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### *Analysis by the Legislative Reference Bureau*

Current law requires the use of safety belts (seat belts) in certain motor vehicles. With specific exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a seat belt and unless he or she reasonably believes that each passenger between the ages of four and 15 years of age is properly restrained by a seat belt. No person who is at least four years old may be a passenger in the front seat of a motor vehicle, or in a seat other than the front seat for which a shoulder harness has been installed, unless that person is properly restrained. Violators of any of these requirements may be required to forfeit \$10, except that passengers must be at least 16 years of age before a forfeiture may be imposed. Violators pay no additional court costs, fees, or assessments.

This bill removes this exemption from the following circuit court fees:

1. A fee of \$25 collected from any person convicted of any of these motor vehicle seat belt requirements.
2. Upon disposition of a local ordinance relating to any of these motor vehicle seat belt requirements, a fee of \$5 collected from the local authority that enacted the applicable ordinance.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 814.63 (1) (c) of the statutes is amended to read:

2           814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
3 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first violation of s. 23.33 (4c)  
4 (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed  
5 the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at  
6 the time of the violation, ~~or for a violation of a safety belt use violation under s. 347.48~~  
7 ~~(2m).~~

8           **SECTION 2.** 814.63 (2) of the statutes is amended to read:

9           814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
10 violation of a county, town, city, village, town sanitary district, or public inland lake  
11 protection and rehabilitation district ordinance, except for an action for a first  
12 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the  
13 person who committed the violation had a blood alcohol concentration of 0.08 or more  
14 but less than 0.1 at the time of the violation, ~~or for a safety belt use violation under~~  
15 ~~s. 347.48 (2m)~~, the county, town, city, village, town sanitary district, or public inland  
16 lake protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the  
17 clerk of circuit court.

18           **SECTION 3. Initial applicability.**

19           (1) This act first applies to violations committed on the effective date of this  
20 subsection.

21           **SECTION 4. Effective date.**

